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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,740	04/16/2004	Yuji Kurosawa	1232-4530US1	8496
27123	7590	04/07/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,740	KUROSAWA, YUJI	
	Examiner	Art Unit	
	Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7-14,19 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7-14,19 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5,7-14,19,25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Abe** (US 5,555,294)

As to claims 5,9,11-12,19,25, **Abe** teaches a communication apparatus (Figure 2) comprising:

setting means (Figure 4) for setting independently whether or not an outgoing call (Figure 5) is granted and whether or not an incoming call is granted (Figure 6);

communication means capable of communicating with a partner via a plurality of communication channels (Figure 1, label 301); and

control means for independently controlling the number of communication channels in the outgoing call and the incoming call separately in accordance with the setting by said setting means (Figures 5 and 6 and Col. 6, lines 23-38).

As to Claims 7-8,13, **Abe** teaches the apparatus according to Claim 5, wherein said communication means can communicate with a plurality of communication partners, and said setting means can set the number of channels used when a communication with another

Art Unit: 2645

communication partner is to be started while communicating using the communication channels, the number of which is controlled by said control means (Figures 5 and 6 and Col. 6, lines 33-38).

As to Claims 10,14, **Abe** teaches the apparatus according to claim 5, wherein said communication means can communicate using a plurality of schemes, and said setting means can set whether or not a communication via the plurality of communication channels is granted in each of the plurality of communication schemes (Col. 6, lines 33-38).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 5,7-14,19,25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Brakefield et al.** (US 6,047,006).

As to claims 5,9,11-12,19,25, **Brakefield** teaches a communication apparatus (Figure 1) comprising:

setting means (Figure 3, label 40) for setting independently whether or not an outgoing call (Figure 3) is granted and whether or not an incoming call is granted (Figure 3 and Col. 5, lines 24-48);

Art Unit: 2645

communication means capable of communicating with a partner via a plurality of communication channels (Figure 1); and

control means for independently controlling the number of communication channels in the outgoing call and the incoming call separately in accordance with the setting by said setting means (Figure 2).

As to Claims 7-8,13, **Brakefield** teaches the apparatus according to Claim 5, wherein said communication means can communicate with a plurality of communication partners, and said setting means can set the number of channels used when a communication with another communication partner is to be started while communicating using the communication channels, the number of which is controlled by said control means (Col. 5, lines 24-48).

As to Claims 10,14, **Brakefield** teaches the apparatus according to claim 5, wherein said communication means can communicate using a plurality of schemes, and said setting means can set whether or not a communication via the plurality of communication channels is granted in each of the plurality of communication schemes (Col. 5, lines 24-48).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi (US 5,946,319) teaches ISDN apparatus which multiplex B-channels to provide telephone services.

Art Unit: 2645

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

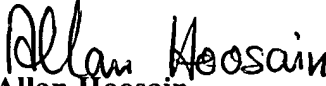
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313
(Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Allan Hoosain
Primary Examiner
3/31/05